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OFFICE OF PETITIONS

VINSON & ELKINS, L.L.P.
FIRST CITY TOWER
1001 FANNIN STREET, SUITE 2500
HOUSTON TX 77002-6760

In re Patent of Thompson et al.	:	DECISION ON REQUEST
Patent No. 7,601,806	:	FOR RECONSIDERATION OF
Issue Date: October 13, 2009	:	PATENT TERM ADJUSTMENT
Application No. 10/559,994	:	AND NOTICE OF INTENT TO
Filing Date: April 28, 2006	:	ISSUE CERTIFICATE OF
Attorney Docket No. PRO025/4-012US	:	CORRECTION

This is a decision on the petition filed November 12, 2009, which is being treated as a petition under 37 C.F.R. § 1.705(d) requesting the patent term adjustment indicated on the patent be corrected to indicate the term of the patent is extended or adjusted by two hundred ninety-five (295) days.

The petition to correct the patent term adjustment indicated on the patent to indicate the term of the above-identified patent is extended or adjusted by two hundred ninety-five (295) days is **GRANTED**.

37 C.F.R. § 1.704(c)(10) states,

[Upon] [s]ubmission of an amendment under § 1.312 or other paper after a notice of allowance has been given or mailed ... the period of adjustment set forth in § 1.703 shall be reduced by the lesser of:

- (i) The number of days, if any, beginning on the date the amendment under § 1.312 or other paper was filed and ending on the mailing date of the Office action or notice in response to the amendment under § 1.312 or such other paper; or
- (ii) Four months.

At the time the patent issued, Office PALM records indicated drawings were filed July 27, 2009. As a result, the Office entered a 79-day reduction pursuant to 37 C.F.R. § 1.704(c)(10).

Patentees assert drawings were not actually filed July 27, 2009.

The Office has reviewed the record and verified drawings were not actually filed July 27, 2009. Therefore, the 79-day reduction was improper and the instant petition is granted.

The Office acknowledges submission of the \$200.00 fee set forth in 37 C.F.R. § 1.18(e). No additional fees are required.

The application is being forwarded to the Certificates of Correction Branch for issuance of a certificate of correction. The Office will issue a certificate of correction indicating that the term of the patent is extended or adjusted by **two hundred ninety-five (295)** days.

Telephone inquiries specific to this decision should be directed to Senior Petitions Attorney Steven Brantley at (571) 272-3203.

A handwritten signature in black ink, appearing to read "Charles Brantley", written in a cursive style.

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

Enclosure: Copy of DRAFT Certificate of Correction

**UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION**

PATENT NO. : 7,601,806 B2
ISSUE DATE : October 13, 2009
INVENTOR(S) : Thompson et al.

DRAFT

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the cover page,

[*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 U.S.C. 154(b) by 216 days.

Delete the phrase "by 216 days" and insert - by 295 days--